

REMARKS

Applicant replies to the final Office Action dated January 19, 2010, within three months. Claims 1 – 4 and 7 - 8 were pending in the application. The Examiner rejects claims 1 – 4 and 7 - 8. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by the amendments. Reconsideration of this application is respectfully requested.

The Examiner objects to claim 8 as failing to disclose steps associated with the method. To expedite prosecution, Applicant amends claim 8 to include specific method steps. The amendment broadly recites steps for reproducing the medium described in claim 7, and is supported at, for example, page 72, line 12 to page 73, line 14 of the specification.

The Examiner rejects claims 1-4 and 7-8 under 35 USC 103(a) as being obvious over Park, US Patent Publication 2004/0114474 (“Park 1”) in view of Park, US Patent Publication 2004/0223440 A1 (“Park 2”). Applicant respectfully disagrees, but Applicant amends certain claims and adds new claims to expedite prosecution and to clarify the claims.

Amended independent claim 1 now recites, *inter alia* "...verifying that the recording of the data has succeeded before updating replacement management information". Support for this feature can be found at, for example, page 139, line 25 to page 141, line 10 of the specification.

Applicant asserts that Park 1 and Park 2 do not teach or suggest the feature of verifying that the recording of the data has succeeded before updating replacement management information. In particular, Park 1 is limited to a method for performing a pseudo-overwrite process, wherein data is recorded in a replacement location in the user data area other than the instructed location, and that the last recordable position of the user data area is changed after the replacement recording. Park does not suggest that the success of the replacement recording should be verified before further steps are taken (see, for example, paragraphs [0047], [0048], and [0053] of Park 1). Therefore, Applicant asserts that Park 1 does not disclose or contemplate the feature of verifying the replacement recording process before updating replacement management information.

Park 2 does not cure the deficiencies of Park I. Park 2 is limited to a teaching that, if a defect area is detected in the data area, it is replaced by recording in the spare area. The resulting management information is stored, but Park 2 similarly fails to disclose or contemplate verifying that recording in the spare area has been successful before updating the replacement management information (see, for example, paragraph [0047] of Park 2). An exemplary advantage of verifying that the recording process has been successful before updating the replacement management information is that multiple replacement procedures may be performed without unnecessarily expanding the size of the replacement management information list, as described in, for example, page 140, line 15 to page 141, line 10 of the specification.

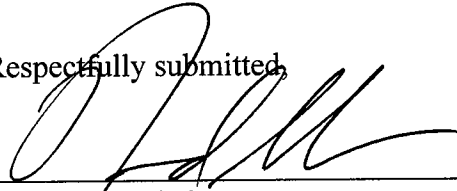
For example, in the claimed invention, the drive apparatus may instruct a recording operation to be performed at a previously written location, perform the recording at a replacement location instead, determine that the recording process at the replacement location failed, and successfully record the data in the spare area. During this operation, the claimed invention would only update the replacement management information to associate the originally instructed location with the recording location in the spare area, and not perform such an update for the failed replacement recording. This has the advantage of saving space on the recording medium by minimizing management information, thus allowing more data to be recorded.

For at least these reasons, Applicant asserts that amended independent claims 1 and 7 should be novel and inventive in view of Park 1 and Park 2.

Claims 2-4 and 8 depend from claims 1 and 7, respectively, so Applicants assert that claims 2-4 and 8 are patentable for the same reasons as set forth above, in addition to their own respective features.

In view of the above remarks, Applicant respectfully submits that all pending claims properly set forth that which Applicant regards as the invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. Should the Examiner have any suggestions to place the application in even better condition for allowance, Applicant requests that the Examiner contact the undersigned representative at the telephone number listed below. The Commissioner is authorized to charge any fees due or refund any overpayment to Deposit Account No. 19-2814, including extension of time fees, if needed.

Respectfully submitted,



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